

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**SHANNON MEEK, as personal
representative of the ESTATE OF JON
MEEK,**

Plaintiff,

v.

**ELIJAH MICHAEL WARD; CAMERON
LEE MOLT; LOUIS P. MOLT; LOUIE'S
CATTLE SERVICE, LLC; CVS, INC.;
SILVIES VALLEY RANCH, LLC,**

Defendants.

Case No. 2:21-cv-00216-SU

ORDER

Martin E. Hansen, Frances Zars, and Michael H. McGean, Francis, Hansen & Martin, LLP, 1148 NW Hill Street, Bend, OR 97701. Attorneys for Plaintiff.

Jeffrey Dean Eberhard, William P. Taaffe, and Melanie A. Gillette, Smith Freed Eberhard, 111 SW Columbia Street, Suite 800, Portland, OR 97201. Attorneys for Defendants.

IMMERGUT, District Judge.

On August 9, 2021, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (“F&R”), ECF 45, recommending that this Court grant the Amended Motion to Dismiss filed by Defendants CVS, Inc. and Silvies Valley Ranch, LLC, ECF 37. Plaintiff

timely filed objections to the F&R, ECF 48, and Defendants filed a response to those objections, ECF 49.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

This Court has reviewed de novo the portions of Judge Sullivan’s F&R, ECF 45, to which Plaintiff objected. This Court adopts Judge Sullivan’s F&R in full. Defendants’ Amended Motion to Dismiss, ECF 37, is GRANTED.

IT IS SO ORDERED.

DATED this 22nd day of September, 2021.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge